

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

STURGIS IRON & METAL COMPANY, INC.

Debtor

JAMES W. BOYD, TRUSTEE,

Plaintiff,

v

PONTOON BOAT, LLC d/b/a BENNINGTON
MARINE,

Defendant.

CASE NO. 08-02966

TAX ID. 38-1308468

CHAPTER 11

HON. JEFFREY R. HUGHES

ADV PRO NO. 10-80161-JRH

Ronald A. Schuknecht (P27986)
SMITH HAUGHEY RICE & ROEGGE
Attorneys for Plaintiff
202 E. State St., Ste. 100
Traverse City, MI 49684
231-929-4878

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Plaintiff, James W. Boyd, Chapter 7 Trustee, by and through his attorney, Ronald A. Schuknecht of Smith Haughey Rice & Roegge, states the following for his Motion for Entry of Default Judgment:

1. Debtor filed for relief under Chapter 11 of the United States Bankruptcy Code on April 4, 2008 (hereinafter the "Petition Date").
2. Plaintiff is the duly appointed and acting Liquidation Trustee and representative of the Debtor's bankruptcy estate in this proceeding pursuant to the Order Re: Debtor's April 23, 2009 Plan (DN 1010) entered by the Court on May 4, 2009 which confirmed the Debtor's Fourth Amended Plan of Liquidation of Sturgis Iron & Metal Company, Inc. and the Fourth Amended Liquidation Trust Agreement and

Declaration of Trust incorporated therein and is authorized and empowered to file, prosecute and/or settle all causes of actions including, without limitation, actions pursuant to 11 USC § 547 *et seq.* ("Avoidance Actions").

3. Plaintiff filed a Complaint to Recover Preferential Transfers (hereinafter the "Complaint") on March 30, 2010, against Defendant seeking recovery of \$123,389.55 as preferential transfers under 11 USC § 547.

4. Defendant was served with a copy of the Complaint and a Summons on April 6, 2010, by regular, first class mail at Defendant's address, as is set forth in the Certificate of Service filed in this matter.

5. Defendant did not file an Answer to the Complaint or otherwise defend the Complaint and the Court entered an Entry and Notice of Default on May 12, 2010.

6. Plaintiff now moves for entry of a Default Judgment pursuant to Fed. R. Bankr. P. 7055(b).

7. Plaintiff intends to rely on the allegations in the Complaint, on the Exhibits attached to the Complaint, and on testimony from Plaintiff and/or the CPA employed by Plaintiff, if needed, to support the allegations in the Complaint.

8. Plaintiff is informed and believes that Defendant is a limited liability company and Defendant is not an infant or incompetent nor in the military

WHEREFORE, Plaintiff prays that this Honorable Court enter a Default Judgment in his favor and against Defendant that:

A. Voids the Transfers from Debtor to Defendant pursuant to 11 USC § 547(b);

B. Enters a Money Judgment in favor of Plaintiff and against Defendant in the amount of \$123,389.55, plus the amount of any additional preferential transfers and/or fraudulent or otherwise avoidable transfers, together with interest from the date of filing the Complaint, costs, and reasonable attorney fees; and,

C. Grants such other and further relief as the Court deems just and equitable under the circumstances.

DATED: August 16, 2010

/s/ Ronald A. Schuknecht

Ronald A. Schuknecht (P27986)
SMITH HAUGHEY RICE & ROEGGE
Attorneys for Plaintiff
202 E. State St., Ste. 100
Traverse City, MI 49684
231-929-4878